

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**PAPERWORK REDUCTION ACT REQUEST
SUPPORTING STATEMENT A**

**COMPETITIVE PROCESSES, TERMS, AND CONDITIONS FOR LEASING PUBLIC LANDS FOR
INTERMITTENT ENERGY DEVELOPMENT
(43 CFR PART 2800)**

OMB CONTROL NUMBER 1004-0206

Abstract: This control number enables the BLM to collect information that is necessary to authorize and manage rights-of-way for solar and wind energy, oil and gas pipelines, and electric transmission lines with a capacity of 100 Kilovolts (kV) or more. The Bureau of Land Management (BLM) is requesting to revise this control number to reflect changes to the underlying regulations pertaining to renewable energy rents affecting solar and wind energy developments. This rule would update the procedures governing the BLM's right-of-way programs, focusing on new methods for determining capacity fees as required by Section 50302 of Public Law 119 21. The RIN number for this rulemaking action is 1004-AF45. The information collections and changes are outlined below.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The following provisions necessitate this information collection (IC):

1. Subchapter V of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1761-1771):
 - Authorizes the BLM to issue rights-of-way on public lands for electric generation systems (including solar and wind energy generation systems);
 - Requires the BLM to prescribe certain terms and conditions;
 - Requires the holder of a right-of-way to pay in advance the fair market value thereof, as determined by the Secretary; and;
 - Authorizes the BLM to collect moneys for the Federal Government's reasonable costs in performing tasks to authorize right-of-way grants or leases, monitor construction and maintenance of rights-of-way, and terminate or extend granted rights-of-way.
2. Section 102(a)(9) of FLPMA (43 U.S.C. 1701(a)(9)) establishes a Federal policy of receiving fair market value for the use of the public lands and their resources.
3. Section 304 of FLPMA (43 U.S.C. 1734) authorizes the BLM to establish reasonable filing and service fees and reasonable charges, and commission with respect to applications and other documents relating to the public lands, and to change and abolish such fees, charges, and commissions.
4. Section 28 of the Mineral Leasing Act (30 U.S.C. 185) authorizes the BLM to issue rights-of-way on public lands for oil, natural gas, and other pipelines, and requires the BLM to prescribe certain terms and conditions and collect actual costs for expenses relating to processing right of way applications and monitoring the construction and maintenance of authorized projects.
5. Energy Act of 2020 (43 U.S.C. 3003) authorizes the BLM to "reduce acreage rental rates and capacity fees" when the Secretary determines certain criteria are met.

6. The BLM's regulations at 43 CFR part 2800 pertain to rights-of-way for various types of facilities (including facilities for electric generation, electric transmission, and non-oil and gas pipelines) issued under the authority of the Federal Land Policy and Management Act (FLPMA).
7. Section 50302 of Public Law 119-21, 139 Stat. 71, One Big Beautiful Bill Act.
8. The BLM's regulations at 43 CFR part 2880 pertain to rights-of-way for facilities (including oil and gas pipelines) issued under the authority of the Mineral Leasing Act (MLA).

On December 27, 2020, the Energy Act of 2020 was enacted providing the Secretary with new authority to reduce rates below fair market value based on specific findings, including "that a reduced rental rate or capacity fee is necessary to promote the greatest use of wind and solar energy resources" 43 U.S.C. 3003(b)(2). This authority was implemented by the BLM's final rule published on May 1, 2024, and which became effective on July 1, 2024, that included certain reductions to rents and fees for solar and wind energy. On January 20, 2025, President Trump issued Executive Order (E.O.) 14154, "Unleashing American Energy," which among other things, directs the Department of the Interior to remove impediments to the identification, development, and use of our Nation's abundant energy and natural resources (including oil and gas and critical minerals). Secretary Order 3418, Unleashing American Energy, further directs the BLM to assess and take action on the BLM's May 1st rule, Rights-of-way, Leasing and Operations for Renewable Energy, to remove direction from rescinded Executive Orders and advancing energy and critical minerals identification, and improving the permitting of energy.

Historically, the BLM has set rental rates and capacity fees for solar and wind energy rights-of-way based on a determination of fair market value consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)) (FLPMA). Congress, through Section 50302 of Public Law 119-21, 139 Stat. 71, enacted on July 4, 2025, established specific rent and capacity fees for rights-of-way authorizing solar and wind energy generation facilities on public lands. Section 50302's provisions governing acreage rent rates and capacity fee supersede those in the BLM's current right-of-way regulations governing solar and wind energy. The Department of the Interior (Department) is therefore revising the BLM right-of-way regulations found at 43 CFR Part 2800 to reflect the acreage rent rates and capacity fee required by statute. Specifically, through this final rule the Department is revising Sections 2801.5, 2805.12, 2806.15, 2806.50, 2806.51, 2806.52, 2807.21, and 2809.16.

The rule would result in changes to certain information collection requirements as contained in the current rule. The changes to the information collection are discussed below.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Regulations at 43 CFR part 2800 require the use of Standard Form 299 (SF-299), Application for Transportation and Utility Systems and Facilities on Federal Lands, for right-of-way applications. OMB has approved the requirements associated SF-299 and under OMB Control Number 0596-0249, *Application for Transportation, Utility System, Telecommunications and Facilities on Federal Lands and Property*, (expiration date: January 31, 2027) to those requirements. The U.S. Forest Service administers OMB Control Number 0596-0249.

In contrast to the regulations at 43 CFR part 2800, the regulations at 43 CFR part 2880 allow, but do not require, the use of SF-299. In accordance with 43 CFR 2884.11, applicants for these categories of rights-of-way may use SF-299, or they may apply for these rights-of-way as part of an Application for Permit to Drill or Reenter (BLM Form 3160-3) or as part of a Sundry Notice and Report on Wells (BLM Form 3160-5). OMB has authorized the use of BLM Forms 3160-3 and 3160-5 under control number 1004-0220 (Expiration Date: 10/31/2027). The rule would not change these forms.

This control number enables the BLM to collect information that is necessary to authorize and manage rights-of-way for solar and wind energy, pipelines, and electric transmission lines with a capacity of 100 Kilovolts (kV) or more.

Existing and New Information Collection Requirements

Preliminary Application Review Meetings for a Large-Scale Right-of-Way (43 CFR 2804.12(b)(4)).

“Preliminary application review meetings” are required after submission of an application for a large-scale right-of-way. A large-scale right-of-way is for solar or wind energy development outside a designated leasing area, or for a transmission line with a capacity of 100 kV or more.

Within 6 months from the date that the BLM receives the cost recovery fee for an application for a large-scale project, the applicant must schedule and hold at least two preliminary application review meetings.

In the first meeting, the BLM will collect information from the applicant to supplement the application on subjects such as the general project proposal. The BLM will also discuss with the applicant subjects such as the status of BLM land use planning for the lands involved, potential siting issues or concerns, potential environmental issues or concerns, potential alternative site locations, and the right-of-way application process.

In the second meeting, the applicant and the BLM will meet with appropriate Federal and State agencies and tribal and local governments to facilitate coordination of potential environmental and siting issues and concerns.

The applicant and the BLM may agree to hold additional preliminary application review meetings.

The following discussion describes the IC activities in this control number that require use of SF-299.

Application for a Solar or Wind Energy Development Project (43 CFR 2804.12, 2804.12(c), 2804.25(c), and 2804.26(a)(5)) and Application for an Electric Transmission Line with a Capacity of 100 kV or More (43 CFR 2804.12, 2804.25(c), and 2804.26(a)(5)).

Section 2804.12(b) applies to the following types of applications:

- Solar and wind energy development grants outside any designated leasing area¹; and
- Electric transmission lines with a capacity of 100 kV or more.

Section 2804.12(b) includes the following requirements for applications for a solar or wind energy development project, and for applications for a transmission line project with a capacity of 100 kV or more:

- A discussion of all known potential resource conflicts with sensitive resources and values, including special designations or protections; and
- Applicant-proposed measures to avoid, minimize, and compensate for such resource conflicts, if any.

Section 2804.12(b) also requires applicants to initiate early discussions with any grazing permittees that may be affected by the proposed project. This requirement stems from FLPMA Section 402(g) (43 U.S.C. 1752(g)) and a BLM grazing regulation (section 4110.4-2(b)) that require 2 years’ prior notice to grazing permittees and lessees before cancellation of their grazing privileges.

¹ In Resource Management Plans, the BLM has analyzed and identified “designated leasing areas” that are preferable for renewable energy development and are available for competitively issued leases.

In addition to the information listed at 43 CFR 2804.12(b), an application for a solar or wind project, or for a transmission line of at least 100 kV, must include the information listed at sections 2804.12(a)(1) through (a)(7).

Section 2804.25 provides that the BLM will notify an applicant upon receipt of an application and may require the applicant to submit additional information necessary to process the application (such as a POD or cultural resource surveys). As amended, section 2804.25(c) provides that, for solar or wind energy development projects, and transmission lines with a capacity of 100 kV or more, the applicant must commence any required resource surveys or inventories within 1 year of the request date, unless otherwise specified by the BLM. The amended regulation also authorizes an applicant to submit a request for an alternative requirement by showing good cause under section 2804.40.

Applications for solar or wind energy development, but not applications for large-scale transmission lines, are subject to a requirement (at section 2804.12(c)(1)) to submit an “application filing fee” of \$15 per acre. As defined in an amendment to section 2801.5, an application filing fee is specific to solar and wind energy right-of-way applications. The BLM will refund the balance of the fee at the end of the BLM’s application review process.

Section 2804.26(a)(5) provides authority allowing the BLM to deny an application for a right-of-way grant if the applicant does not have or cannot demonstrate the technical or financial capability to construct the project or operate facilities within the right-of-way. Amendments to that provision list the following ways an applicant may demonstrate their financial and technical capability to construct, operate, maintain, and terminate a project:

- Documenting any previous successful experience in construction, operation, and maintenance of similar facilities on either public or non-public lands;
- Providing information on the availability of sufficient capitalization to carry out development, including the preliminary study stage of the project and the environmental review and clearance process; or
- Providing written copies of conditional commitments of Federal and other loan guarantees; confirmed power purchase agreements; engineering, procurement, and construction contracts; and supply contracts with credible third-party vendors for the manufacture or supply of key components for the project facilities.

General Description of a Proposed Project and Schedule for Submittal of a Plan of Development (43 CFR 2804.12(b)(1), (b)(2), and (c)(3)).

Sections 2804.12(b)(1) and (b)(2) require applicants for a solar or wind development project to submit the following information, using Form SF-299:

- A general description of the proposed project and a schedule for the submission of a Plan of Development (POD) conforming to the POD template at <http://www.blm.gov>;
- A discussion of all known potential resource conflicts with sensitive resources and values, including special designations or protections; and
- Proposals to avoid, minimize, and compensate for such resource conflicts, if any.

Application for an Energy Site-Specific Testing Grant (43 CFR 2804.12(a)); Application for an Energy Project-Area Testing Grant (43 CFR 2804.12(a)); and Application for a Short-Term Grant (43 CFR 2804.12(a)).

Section 2804.12(a) addresses the general requirements of an application for a FLPMA right-of-way grant.

Each of these grants is for 3 years or less, in accordance with section 2805.11(c)(2). All these applications must be submitted on SF-299. Applications for project-area grants (but not site-specific grants) are subject to a \$2

per-acre application filing fee in accordance with section 2804.12(c)(1). Applicants for short-term grants for other purposes (such as geotechnical testing and temporary land-disturbing activities) are subject to a processing fee in accordance with section 2804.1.

Showing of Good Cause (43 CFR 2804.40 and 2805.12).

Under section 2804.40, an applicant for a FLPMA right-of-way grant who is unable to meet any of the requirements in subpart 2804 may request approval for an alternative requirement from the BLM. Any such request is not approved until the applicant receives BLM approval in writing. This type of request to the BLM must:

- (a) Show good cause for the applicant's inability to meet a requirement;
- (b) Suggest an alternative requirement and explain why that requirement is appropriate; and
- (c) Be received in writing by the BLM in a timely manner, before the deadline to meet a particular requirement has passed.

The BLM will use the information to determine whether or not to apply an alternative requirement.

Other showings of good cause are authorized or may be required by section 2805.12, which requires due diligence in development of any right-of-way grant or lease. In accordance with section 2805.12(c)(6), the BLM will notify the holder before suspending or terminating a right-of-way for lack of due diligence. This notice will provide the holder with a reasonable opportunity to correct any noncompliance or to start or resume use of the right-of-way. A showing of good cause will be required in response. That showing must include:

- Reasonable justification for any delays in construction (for example, delays in equipment delivery, legal challenges, and acts of God);
- The anticipated date for the completion of construction and evidence of progress toward the start or resumption of construction; and
- A request for extension of the timelines in the approved POD.

Section 2805.12(e), as amended, applies as soon as a right-of-way holder anticipates noncompliance with stipulation, term, or condition of the approved right-of-way grant or lease, or in the event of noncompliance with any such stipulation, term, or condition. In these circumstances, the holder must notify the BLM in writing and show good cause for the noncompliance, including an explanation of the reasons for the noncompliance.

In addition, the holder may request that the BLM consider alternative stipulations, terms, or conditions. Any request for an alternative stipulation, term, or condition must comply with applicable law in order to be considered. Any proposed alternative to applicable bonding requirements must provide the United States with adequate financial assurance for potential liabilities associated with the right-of-way grant or lease. Any such request is not approved until the holder receives BLM approval in writing.

Application for Renewal of an Energy Project-Area Testing Grant or Other Short-Term Grant (43 CFR 2805.11(c)(2)(ii), 2805.14(h), and 2807.22).

Section 2805.11(c)(2)(ii) provides that holders of energy project-area testing grants may seek renewal of those grants. The initial term for such a grant is 3 years or less, with the option to renew for one additional 3-year period.

For other short-term grants, such as for geotechnical testing and temporary land-disturbing activities, the initial term is 3 years or less. Short-term grants include an option for renewal.

Section 2805.14(h) provides that applications to renew an energy project-area testing grant must include an energy development application submitted in accordance with section 2801.9(d)(2). Processing fees in accordance with section 2804.14, as amended, apply to these renewal applications.

Section 2807.22 provides that an application for renewal of any right-of-way grant or lease, including an energy project-area testing grant or a short-term grant, must be submitted at least 120 calendar days before the grant or lease expires. The application must show that the grantee or lessee is complying with the renewal terms and conditions (if any), with the other terms, conditions, and stipulations of the grant or lease, and with other applicable laws and regulations. The application also must explain why a renewal of the grant or lease is necessary.

***Environmental, Technical, and Financial Records, Reports, and Other Information
(43 CFR 2805.12(a)(15)).***

Section 2805.12(a)(15) authorizes the BLM to require a holder of any type of right-of-way to provide, or give the BLM access to, any pertinent environmental, technical, and financial records, reports, and other information. The use of SF-299 is required. The BLM will use the information for monitoring and inspection activities.

***Application for Renewal of a Solar or Wind Energy Development Grant or Lease
(43 CFR 2805.14(g) and 2807.22).***

Section 2805.14(g) provides that a holder of a solar or wind energy development grant or lease may apply for renewal of that grant or lease in accordance with section 2807.22, which applies to renewals of both grants and leases.

Section 2807.22(c) provides that an application to renew a grant must include the same information, on SF-299, that is necessary for a new application. It also provides that processing fees, in accordance with section 2804.14, as amended, apply to these renewal applications.

Sections 2807.22(a) and (b) provide that an application for renewal of any right-of-way grant or lease, including a solar or wind energy development grant or lease, must be submitted at least 120 calendar days before the grant or lease expires. The application must show that the grantee or lessee is complying with the renewal terms and conditions (if any), with the other terms, conditions, and stipulations of the grant or lease, and with other applicable laws and regulations. The application also must explain why a renewal of the grant or lease is necessary.

Bonding Requirements (43 CFR 2805.20).

Section 2805.20 provides that the bond amount for projects other than a solar or wind energy lease under subpart 2809 (*i.e.*, inside a designated leasing area) will be determined based on the preparation of a reclamation cost estimate that includes the cost to the BLM to administer a reclamation contract and review it periodically for adequacy.

Section 2805.20(a)(5) provides that the reclamation cost estimate must include at minimum:

- Remediation of environmental liabilities such as use of hazardous materials waste and hazardous substances, herbicide use, the use of petroleum-based fluids, and dust control or soil stabilization materials;
- The decommissioning, removal, and proper disposal, as appropriate, of any improvements and facilities; and
- Interim and final reclamation, re-vegetation, recontouring, and soil stabilization.

Sections 2805.20(b) and 2805.20(c) identify specific bond requirements for solar and wind energy development respectively outside of designated leasing areas (DLAs). A holder of a solar or wind energy grant outside of a DLA will be required to submit a reclamation cost estimate to help the BLM determine the bond amount. For solar energy development grants outside of DLAs, the bond amount will be no less than \$10,000 per acre. For wind energy development grants outside of DLAs, the bond amount will be no less than \$10,000 per authorized turbine with a nameplate generating capacity of less than one Megawatt (MW), and no less than \$20,000 per authorized turbine with a nameplate generating capacity of one MW or greater.

Section 2805.20(d) separates site- and project-area testing authorization bond requirements from section 2805.20(c). Meteorological and other instrumentation facilities are required to be bonded at no less than \$2,000 per location. These bond amounts are the same as standard bond amounts for leases required under section 2809.18(e)(3).

Amend an application, seek an amendment of my grant or lease, or obtain a new grant or lease (43 CFR 2807.20 and 2807.21).

Sections 2807.20 and 2807.21, would require that to amend an application or grant are the same as those for a new application, including paying processing and monitoring fees and rent according to §§ 2804.14, 2805.16, and 2806.10. The proposed assignee must file an assignment application, using SF-299, and pay application and processing fees. No preliminary application review meetings and or public meetings are required.

The assignment application must include:

- Documentation that the assignor agrees to the assignment; and
- A signed statement that the proposed assignee agrees to comply with and be bound by the terms and conditions of the grant that is being assigned and all applicable laws and regulations.

Request for Amendment, Assignment, or Other Change (FLPMA) (43 CFR 2807.11(b) and (d)) and 2807.21).

Section 2807.11(b) requires a holder of any type of right-of-way grant to contact the BLM to seek an amendment to the grant under section 2807.20 and obtain the BLM’s approval before beginning any activity that is a “substantial deviation” from what is authorized.

Section 2807.11(d) requires contacting the BLM, with a request for an amendment to the pertinent right-of-way grant or lease, and prior approval whenever site-specific circumstances or conditions result in the need for changes to an approved right-of-way grant or lease, plan of development, site plan, mitigation measures, or construction, operation, or termination procedures that are not “substantial deviations.”

Section 2807.21 authorizes assignment of a grant or leased with the BLM’s approval. It also authorizes the BLM to require a grant or lease holder to file new or revised information in circumstances that include, but are not limited to:

- Transactions within the same corporate family;
- Changes in the holder’s name only; and
- Changes in the holder’s articles of incorporation.

A request for an amendment of a right-of-way, using SF-299, is required in cases of a substantial deviation (for example, a change in the boundaries of the right-of-way, major improvements not previously approved by the BLM, or a change in the use of the right-of-way). Other changes, such as changes in project materials, or changes in mitigation measures within the existing, approved right-of-way area, must be submitted to the BLM for review and approval. In order to assign a grant, the proposed assignee must file an assignment application and follow the same procedures and standards as for a new grant or lease, as well as pay application and processing fees. In order to request a name change, the holder will be required to file an application and follow the same procedures and standards as for a new grant or lease and pay processing fees, but no application fee is required. The following documents are also required in the case of a name change:

- A copy of the court order or legal document effectuating the name change of an individual; or
- If the name change is for a corporation, a copy of the corporate resolution proposing and approving the name change, a copy of a document showing acceptance of the name change by the State in which incorporated, and a copy of the appropriate resolution, order, or other document showing the name change.

In all these cases, the BLM will use the information to monitor and inspect rights-of-way, and to maintain current data.

Call for Nominations of a Parcel of Land Inside a Designated Leasing Area (43 CFR 2809.10 and 2809.11).

Sections 2809.10 and 2809.11 authorize the BLM to offer land competitively inside a designated leasing area for solar or wind energy development on its own initiative. These regulations also authorize the BLM to solicit nominations for such development by publishing a notice in the *Federal Register*. In order to nominate a parcel under this process, the nominator must be qualified to hold a right-of-way under section 2803.10. After publication of a notice by the BLM, anyone meeting the qualifications may submit a nomination for a specific parcel of land to be developed for solar or wind energy. There is a fee of \$5 per acre for each nomination. The following information is required:

- The nominator's name and personal or business address;
- The legal land description; and
- A map of the nominated lands.

The BLM will use the information to communicate with the nominator and to determine whether or not to proceed with a competitive offer.

Expression of Interest in a Parcel of Land Inside a Designated (43 CFR 2809.11(c)). [NEW (from 2024 rule)]

The rule would return to the pre-May 2024 requirement regarding expression of interest. Section 2809.11(c) would authorize the BLM to consider informal expressions of interest suggesting specific lands inside a designated leasing area to be included in a competitive offer. The expression of interest must include a description of the suggested lands and a rationale for their inclusion in a competitive offer.

The information provided to the BLM in an expression of interest will assist it when determining whether or not to proceed with a competitive offer for lands. Such submissions would narrow the BLM's understanding of the desired interest of lands and preclude use of public resources, including their time, for unnecessary processes, such as holding a competitive process when there is no competitive interest. Alternatively, this would provide additional information to the BLM to help inform it when there is a competitive interest and maximize the return to the public for the use of its land.

Plan of Development for a Solar or Wind Energy Development Lease Inside a Designated Leasing Area (43 CFR 2809.18).

Section 2809.18(c) requires the holder of a lease for solar or wind energy development to submit a plan of development (POD) within 2 years of the lease issuance date. The POD must be consistent with the development schedule and other requirements in the POD template posted at <http://www.blm.gov>; and must address all pre-development and development activities.

Section 2809.18(d) requires the holder of a solar or wind energy development lease for land inside a designated leasing area to pay reasonable costs for the BLM or other Federal agencies to review and approve the POD and monitor the lease. To expedite review and monitoring, the holder may notify the BLM in writing of an intention to pay the full actual costs incurred by the BLM.

Request for Amendment, Assignment, or Other Change (MLA) (43 CFR 2886.12(b) and (d) and 43 CFR 2887.11).

Sections 2886.12 and 2887.11 pertain to holders of rights-of-way and temporary use permits authorized under the Mineral Leasing Act (MLA). A temporary use permit authorizes a holder of a MLA right-of-way to use

land temporarily in order to construct, operate, maintain, or terminate a pipeline, or for purposes of environmental protection or public safety. See section 2881.12. The regulations require these holders to contact the BLM:

- Before engaging in any activity that is a “substantial deviation” from what is authorized;
- Whenever site-specific circumstances or conditions arise that result in the need for changes that are not substantial deviations;
- When the holder submits a certification of construction;
- Before assigning, in whole or in part, any right or interest in a grant or lease;
- Before any change in control transaction involving the grant- or lease- holder; and
- Before changing the name of a holder (*i.e.*, when the name change is not the result of an underlying change in control of the right-of-way).

A request for an amendment of a right-of-way or temporary use permit is required in cases of a substantial deviation (*e.g.*, a change in the boundaries of the right-of-way, major improvements not previously approved by the BLM, or a change in the use of the right-of-way). Other changes, such as changes in project materials, or changes in mitigation measures within the existing, approved right-of-way area, are required to be submitted to the BLM for review and approval. In order to assign a grant, the proposed assignee must file an assignment application and follow the same procedures and standards as for a new grant or lease, as well as pay processing fees. In order to request a name change, the holder will be required to file an application and follow the same procedures and standards as for a new grant or lease and pay processing fees, but no application fee is required. The following documents are also required in the case of a name change:

- A copy of the court order or legal document effectuating the name change of an individual; or
- If the name change is for a corporation, a copy of the corporate resolution proposing and approving the name change, a copy of a document showing acceptance of the name change by the State in which incorporated, and a copy of the appropriate resolution, order, or other document showing the name change.

In all these cases, the BLM will use the information for monitoring and inspection purposes, and to maintain current data on rights-of-way.

Certification of Construction (43 CFR 2886.12(f)).

A certification of construction is a document a holder of an MLA right-of-way must submit to the BLM after finishing construction of a facility, but before operations begin. The BLM will use the information to verify that the holder has constructed and tested the facility to ensure that it complies with the terms of the right-of-way and is in accordance with applicable Federal and State laws and regulations.

Removed Information Collection

Annual Certification Statement (43 CFR 2806.52(b)(5)).

The One Big Beautiful Bill Act removes the requirement for projects to submit annual certification statements. This, along with other changes are discussed in Item 15, below.

New Information Collection Requirement

Annual Gross Proceeds from Sale of Electricity (43 CFR 2806.52(b)(1)). [NEW]

The rule effects the statutory requirement contained in the One Big Beautiful Bill Act (P.L. 119-21) to calculate capacity fees as 3.9% of total annual gross proceeds instead of the number of MWhs generated. While neither the statute nor the rule specifies the information that projects would need to submit for the BLM to calculate the capacity fee, projects will need to annually submit information to the BLM regarding their total annual gross proceeds. This information is needed for the BLM to fulfill its statutory requirements to calculate capacity fees.

The rule does not specify an information collection under 43 CFR 2806.52(b)(1); however, as a practical matter, the information collection is inferred as the BLM would have no other means to assess capacity fees without collecting information from projects on gross proceeds.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

SF-299 is electronically available to the public in fillable, printable format at:
<http://www.gsa.gov/portal/forms/download/117318>.

A respondent who chooses to submit that form electronically may do so by scanning and then emailing it to the appropriate BLM office. Some of the required non-form information may be scanned or emailed as well. However, electronic submission of some other required non-form information might not be feasible due to the nature of the information. For example, electronic filing is inherently impossible for the preliminary application review meetings that are required by section 2804.12(b)(4) after an application for a large-scale right-of-way has been filed with the BLM. Another example may be some of the non-form information, such as maps and drawings, that are required as part of a Plan of Development in accordance with section 2809.18(c).

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no duplication. The information in each collection activity is unique and is unsuitable for other uses. The BLM is not able to use or modify similar information because the responses in this collection are distinct, unrelated to each other, and specific to their individual proposed projects.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This IC potentially affects a substantial number of small entities. The BLM collects the minimum information that is necessary in order to issue and monitor rights-of-way for solar and wind energy and for other large-scale projects.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the BLM did not conduct the collection or conducts it less frequently, it would be unable to implement competitive procedures for solar and wind energy development and other large-scale projects.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances requiring the collection to be conducted in a manner described above.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The BLM published the rule in the *Federal Register* providing interested parties and the general public 60 days to comment on the changes to these regulations: including changes to the information collection requirements.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Respondents do not receive any payment or gift.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Section 2805.12(a)(15) requires that a grant holder or lessee provide or make available, upon the BLM's request, any pertinent environmental, technical, and financial records for inspection and review. Any information marked confidential or proprietary would be kept confidential to the extent allowable by law. The basis for this provision is Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)), which authorizes Federal agencies to withhold from public disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Under the Privacy Act, personally identifiable information is subject to a System of Records Notice: Land & Minerals Authorization Tracking System – Interior, LLM-32 (56 FR 5014 (February 7, 1991)).

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

Respondents are not required to answer questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

Respondents to these information collection requirements are applicants for and holders of wind and solar rights-of-way grants or leases on Federal public lands. We estimate that there about 65 such entities that would be residents to these requirements. Table 12-1, below, shows the estimated hourly cost burdens for respondents. The mean hourly wages for Table 12-1 were determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is supported by information at <http://www.bls.gov/news.release/ecec.nr0.htm>. Table 12-2, below, itemizes the annual hour burdens and dollar equivalents for each IC activity. The burden estimates are based on the BLM's years of experience conducting this line business; including program records as well as the economic analysis conducted for this propose rule. All the information collections are on occasion.

Table 12-1: Estimated Hourly Cost

Position and Standard Occupation Code	Mean Hourly Wage	Benefits Multiplier	Total Mean Hourly Wage
Engineers - SOC 17-2000	\$53.79	1.4	\$75.31

Table 12-2: Estimated Annual Hour Burdens

Collection of Information	Number of Responses	Hours Per Response	Total Hours	Mean Hourly Wage	Dollar Equivalent
Application for a Solar or Wind Energy Development Project Outside of any Designated Leasing Area or MLA Pipelines 43 CFR 2804.12, 2804.25(c), 2804.26(a)(5), and 2884.11(c) – SF-299	10	8	80	\$75.31	\$3,012.40
Application for an Electric Transmission Line with a Capacity of 100 kV or More 43 CFR 2804.12, 2804.25(c), and 2804.26(a)(5) – SF-299	10	8	80	\$75.31	\$6,025
General Description of a Proposed Project and Schedule for Submittal of a POD 43 CFR 2804.12(b)(1) and (b)(2) – SF-299	20	2	40	\$75.31	\$3,012
Preliminary Application Review Meetings (for 2 public meetings) for a Large-Scale Right-of-Way 43 CFR 2804.12(b)(4)	20	4	80	\$75.31	\$6,025
Application for an Energy Site-Specific Testing Grant 43 CFR 2804.12– SF-299	20	8	160	\$75.31	\$12,050
Application for an Energy Project-Area Testing Grant 43 CFR 2804.12(a) – SF-299	20	8	160	\$75.31	\$12,050
Application for a Short-Term Grant 43 CFR 2804.12(a)– SF-299	1	8	8	\$75.31	\$602
Application for Renewal of an Energy Project-	6	6	36	\$75.31	\$2,711

Collection of Information	Number of Responses	Hours Per Response	Total Hours	Mean Hourly Wage	Dollar Equivalent
Area Testing Grant or Other Short-Term Grant 43 CFR 2805.11(c)(2)(ii), 2805.14(h), and 2807.22 – SF-299					
Showing of Good Cause 43 CFR 2804.40 and 2805.12	1	2	2	\$75.31	\$151
Bonding Requirements 43 CFR 2805.20	1	10	10	\$75.31	\$753
Annual Gross Proceeds from Sale of Electricity 43 CFR 2806.52(b)(1) [NEW]	75	2	150	\$75.31	\$11,297
Request to Assign a Solar or Wind Energy Development Right-of-Way 43 CFR 2807.21 –SF-299	11	8	88	\$75.31	\$6,627
Environmental, Technical, and Financial Records, Reports, and Other Information 43 CFR 2805.12(a)(15) – SF-299	20	6	120	\$75.31	\$9,037
Application for Renewal of a Solar or Wind Energy Development Grant or Lease 43 CFR 2805.14(g) and 2807.22 – SF-299	1	12	12	\$75.31	\$904
Request for Amendment, Assignment, or Other Change (FLPMA) 43 CFR 2807.11(b) and (d)) and 2807.21 – SF-299	30	16	480	\$75.31	\$36,149
Nomination of a Parcel of Land inside a Designated Leasing Area 43 CFR 2809.10 and 2809.11	1	4	4	\$75.31	\$301
Plan of Development for a Solar or Wind Energy Development Lease inside a Designated Leasing Area 43 CFR 2809.18(c) – SF-299	2	8	16	\$75.31	\$1,205
Request for Amendment, Assignment, or Other Change (MLA) 43 CFR 2886.12(b) and (d) and 43 CFR 2887.11 – SF-299	2,862	16	45,792	\$75.31	\$3,448,596
Certification of Construction (MLA) 43 CFR 2886.12(f) – SF-299	5	4	20	\$75.31	\$1,506
Totals:	3,116	—	47,338	—	\$3,550,716

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- * **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Respondents do not incur annual capital or startup costs and are not required to purchase any computer software or hardware, to respond to the IC requirements authorized by this control number.

The non-hour burden costs consist of fees authorized by Sections 304 and 504(g) of FLPMA (43 U.S.C. 1734 and 1764(g)). Section 1734 authorizes the Secretary of the Interior to establish reasonable filing and service fees and reasonable charges with respect to applications and other documents relating to the public lands. Section 504(g) authorizes the Secretary to promulgate regulations that require, as a condition of a right-of-way, that an applicant for or holder of a right-of-way reimburse the United States for all reasonable administrative and other costs incurred with respect to right-of-way applications and with respect to inspection and monitoring of construction, operation, and termination of a facility pursuant to such right-of-way.

The fees (i.e., non-hour burdens) are itemized in the following table.

Table 13: Estimated Annual Non-Hour Burdens

Collection of Information	Regulatory Authority for Fee	Number of Responses	Amount of Fee Per Response	Total Amount of Fees
Application for a Solar or Wind Energy Development Project Outside of any Designated Leasing Area 43 CFR 2804.12, 2804.25(c), 2804.26(a)(5)	43 CFR 2804.12(c)(2)	5	\$15 per acre x average of 4,000 acres per application = \$60,000	\$300,000
Application for an Electric Transmission Line with a Capacity of 100 kV or More 43 CFR 2804.12, 2804.25(c), and 2804.26(a)(5)	43 CFR 2804.14	10	\$1,239 ²	\$12,390
Application for an Energy Project-Area Testing Grant 43 CFR 2804.12(a)	43 CFR 2804.12(c)(2)	20	\$2 per acre x average of 6,000 acres per application = \$12,000	\$240,000
Application for Short-Term Grant 43 CFR 2804.12(a)	43 CFR 2804.14	1	\$1,239 ³	\$1,239
Request to Assign a Solar or Wind Energy Development Right-of-Way 43 CFR 2807.21	43 CFR 2804.14	11	\$15 per acre x average of 6,000 acres per application = \$90,000	\$990,000
Application for Renewal of an Energy Project- Area Testing Grant or Short-Term Grant 43 CFR 2805.11(c)(2), 2805.14(h), and 2807.22	43 CFR 2804.14	6	\$1,239 ⁴	\$7,434

² In the BLM's experience, this collection activity usually falls under Category Four of the Processing Fee Schedule at 43 CFR 2804.14. The amount shown is for Processing Category Four for calendar year 2020, at IM 2020-009 (Dec. 12, 2019) ("Rights-of-Way Management and Land Use Authorization Management").

³ In the BLM's experience, this collection activity usually falls under Category Four of the Processing Fee Schedule at 43 CFR 2804.14. The amount shown is for Processing Category Four for calendar year 2020, at IM 2020-009 (Dec. 12, 2019) ("Rights-of-Way Management and Land Use Authorization Management").

⁴ In the BLM's experience, this collection activity usually falls under Category Four of the Processing Fee Schedule at 43 CFR 2804.14. The amount shown is for Processing Category Four for calendar year 2020, at IM 2020-009 (Dec. 12, 2019) ("Rights-of-Way Management and Land Use Authorization Management").

Collection of Information	Regulatory Authority for Fee	Number of Responses	Amount of Fee Per Response	Total Amount of Fees
Application for Renewal of a Solar or Wind Energy Development Grant or Lease 43 CFR 2805.14(g) and 2807.22	43 CFR 2804.14	1	\$1,239 ⁵	\$1,239
Nomination of a Parcel of Land Inside a Designated Leasing Area 43 CFR 2809.10 and 2809.11	43 CFR 2809.11(b)(1)	1	\$5 per acre x average of 6,000 acres per nomination = \$30,000	\$30,000
Total:				\$1,582,302

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated hourly cost to the Federal Government of \$54.26, shown below in Table 14-1, is based on data from the Office of Personnel and Management (OPM) at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/RUS_h.pdf. The benefits multiplier of 1.6 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>. Table 14-2 below itemizes the annual federal hour burdens and dollar equivalents for each IC activity. The Federal cost estimates are based on actual BLM staff who are work on these information collections.

Table 14-1: Weighted Average Hourly Cost Calculation

Position	Mean Hourly Pay Rate	Benefits Multiplier	Hourly Rate with Benefits	Percent of Collection Time	Weighted Average Hourly Cost
Clerical - GS-6, step 5	\$24.41	1.6	\$39.06	10%	\$3.91
Technical - GS-11, step 5	\$40.15	1.6	\$64.24	80%	\$51.39
Managerial - GS-13, step 5	\$57.23	1.6	\$91.57	10%	\$9.16
Totals:				100%	\$64.46

Table 14-2: Estimated Annual Federal Hour Burdens

Collection of Information	Number of Responses	Staff Hours Per Response	Total Hours	Hourly Cost	Dollar Equivalent
Application for a Solar or Wind Energy Development Project Outside of Any Designated Leasing Area 43 CFR 2804.12 and 2804.26(a)(5)	10	12	120	\$64.46	\$7,735
Application for an Electric Transmission Line with a Capacity of 100 kV or More 43 CFR 2804.12 and 2804.26(a)(5)	10	12	120	\$64.46	\$7,735
General Description of a Proposed Project and Schedule for Submittal of a Plan of Development 43 CFR 2804.12(b)	20	2	40	\$64.46	\$2,578
Preliminary Application Review Meetings for 2 public meetings) for a Large-Scale Right-of-Way 43 CFR 2804.12(b)(4)	20	4	80	\$64.46	\$5,157
Application for an Energy Site-Specific Testing Grant 43 CFR 2804.12(a) and 2804.12(c)(3),	20	8	160	\$64.46	\$10,314

⁵ In the BLM's experience, this collection activity usually falls under Category Four of the Processing Fee Schedule at 43 CFR 2804.14. The amount shown is for Processing Category Four for calendar year 2020, at IM 2020-009 (Dec. 12, 2019) ("Rights-of-Way Management and Land Use Authorization Management").

Collection of Information	Number of Responses	Staff Hours Per Response	Total Hours	Hourly Cost	Dollar Equivalent
Application for an Energy Project-Area Testing Grant 43 CFR 2804.12(a)	20	8	160	\$64.46	\$10,314
Application for Short-Term Grant 43 CFR 2804.12(a)	1	8	8	\$64.46	\$516
Showing of Good Cause 43 CFR 2804.40 and 2805.12	1	2	2	\$64.46	\$129
Bonding Requirements for Lands Outside Any Designated Leasing Area 43 CFR 2805.20	1	10	10	\$64.46	\$645
Annual Gross Proceeds from Sale of Electricity 43 CFR 2806.52(b)(1)	75	1	75	\$64.46	\$4,835
Request to Assign a Solar or Wind Energy Development Right-of-Way 43 CFR 2807.21	11	12	132	\$64.46	\$8,509
Application for Renewal of an Energy Project-Area Testing Grant or Other Short-Term Grant 43 CFR 2805.11(c)(2(ii), 2805.14(h), and 2807.22	6	6	36	\$64.46	\$2,321
Environmental, Technical, and Financial Records, Reports, and Other Information 43 CFR 2805.12(a)(15)	20	6	120	\$64.46	\$7,735
Application for Renewal of a Solar or Wind Energy Development Grant or Lease 43 CFR 2805.14(g) and 2807.22	1	12	12	\$64.46	\$774
Request for Amendment, Assignment, or Other Change (FLPMA) (43 CFR 2807.11(b) and (d)) and 2807.21)	30	16	480	\$64.46	\$30,941
Competitive Right-of-Way Process - Determining competition and compatibility and Nomination Process 43 CFR 2809.10 and 2809.11	1	4	4	\$64.46	\$258
Plan of Development for a Solar or Wind Energy Development Lease Inside a Designated Leasing Area 43 CFR 2809.18(c)	2	8	16	\$64.46	\$1,031
Request for an Amendment, Assignment, or Name Change (MLA) 43 CFR 2886.12(b) and (d) and 2887.11	2,862	16	45,792	\$64.46	\$2,951,752
Certification of Construction 43 CFR 2886.12(f)	5	4	20	\$64.46	\$1,289
Total Federal Cost:					\$3,059,273

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

Currently, the information- collection requirements contained in 43 CFR Parts 2800 and 2880 are approved under OMB Control Number 1004-0206. The total annual burdens under this OMB Control Number are currently estimated as follows: 3,116 annual responses; 47,338, annual burden hours; and \$2,182,302 annual cost burden. The rule results in the removal of one information collection and introduces a new information collection. the net total annual and response and burden hours is expected to remain unchanged, and the total annual non-hour cost burden is reduced by \$600,000 (from \$2,182,302 to \$1,582,302). These revisions, along with the projected specific burden changes, are discussed below.

Removed Information Collection

Annual Certification Statement (43 CFR 2806.52(b)(5)).

This revision streamlines the billing process and reduces the administrative workload for processing payments. This is consistent with the BLM's requirement to validate actual energy generation once a year to a method that requires validating actual energy generation once every 10 years for a facility. This change to the information collection is intended to streamline the administrative process and reduce burdens and redundancy on applicants and the agency through a more streamlined process. The removal of this requirement is necessitated by the One Big Beautiful Bill Act. The removal of this requirement results in a reduction of 75 annual responses, 150 annual burden hours, and \$600,000 annual non-hour burden cost.

New Information Collection

Annual Gross Proceeds from Sale of Electricity (43 CFR 2806.52(b)(1)).

Providing information to the BLM on gross annual proceeds for capacity fee calculation. This revision would result in the addition of 75 annual response and 150 total annual burden hours. This change is required by the One Big Beautiful Bill Act.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The BLM will display the expiration date of the OMB approval.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification requirements outlined in 5 CFR 1320.9.

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